

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

I&CAD Department - Work Charged Establishment – Suits - APAT orders dated 09.09.2011 in O.A. No.4963/2009 filed by Sri Sk. Riyaz, Panchayat Secretary (former Man Mazdoor) and another regarding reinstatement as Man Mazdoor from 26.08.1992 – Amendment – Orders Issued.

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IRRIGATION & CAD (Ser.V) DEPARTMENT

G.O.Rt.No. 121,

Dated: 01-02-2013.

Read the following:

- 1) G.O.Rt.No.687, I&CAD (PW-Estt.2) Department, dated 12.11.1996.
- 2) Govt. Memo No.26113/Ser.V.2/04-5 (I&CAD), dated 05.05.2007.
- 3) From the Chief Engineer, NTR Telugu Ganga Project, Srikalahasthi, Lr. No.CE/NTR-TGP/SKHT/D2/41/2012-13, dated 18.10.2012.

-X-X-X-X-X-

ORDER:-

In the G.O. 1st read above, the S.E, Somasila Project Circle, Dargametta, Nellore District was directed to reinstate Sri Sk. Riyaz, P. Aslam and Y. Polaiah the petitioners in the I.D. No.167/84 dated 26.08.1992 of Labour Court, Guntur as Man Mazdoor afresh from the date of Award i.e. 26.08.1984 without back wages and continuity of service.

2. In the reference 2nd read above, the Engineer-in-Chief (AW), I&CAD Department, Hyderabad was informed that the services of Sri Shaik Riyaz and P. Aslam petitioners in I.D. No.167/84 as Man Mazdoors be considered w.e.f. 26.08.1992 and not from 26.08.1984.

3. In the reference 3rd read above, the Chief Engineer, NTR Telugu Ganga Project, Srikalahasthi has reported that, Sri Sk. Riyaz, Panchayat Secretary (former Man Mazdoor) and another have filed O.A. No.4963/2009 in the A.P.A.T. for their conversion as Man Mazdoor under Work Charged Establishment with effect from 26.08.1992 and the APAT in its orders dated 09.09.2011 in O.A. No.4963/2009 has observed that,

“in pursuance of the orders of the Labour Court, the Govt. issued G.O.Rt.No.687, dated 12.11.96 directing the Superintending Engineer i.e. the 4th respondent to appoint the applicants as Man Mazdoor afresh from the date of Award i.e. 26.08.92 without back wages and without continuity of service. The 5th respondent i.e. the Executive Engineer being the subordinate officer to the respondents No.1 to 4 has to obey their orders and appoint the applicants as Man Mazdoors instead of appointing them as NMR Man Mazdoors, but, surprisingly the 5th respondent appointed them as NMR Man Mazdoors, in violation of the orders issued by the Govt. in G.O.Rt.No.687 and in the counter filed he has not stated the reasons for deviating the orders of the Govt. to appoint the applicants as Man Mazdoors.

In these circumstances, the 5th respondent is directed to issue modified proceedings, appointing the applicants as Man Mazdoors w.e.f. 26.08.92.”

(P.T.O.)

4. The Chief Engineer, NTR Telugu Ganga Project, Srikalahasthi has further reported that, the Government Pleader, APAT has expressed his legal opinion stating that,

“no doubt the award of the I.D. is to reinstate the applicant as NMR Mazdoor. But, however, the Government directed to reinstate the applicants as Man Mazdoors. The E.E / S.E. has not taken any clarification from the Government or brought to the notice of the Government with regard to the award directing to reinstate as N.M.R. Maistry and further stated that there is no illegality in allowing the O.A. and there is no point for filing the Writ Petition before the Hon'ble High Court of Andhra Pradesh for judicial review”.

5. Further, the Labour Court, Guntur in its award dated 26.08.1992 in I.D. No.167/84 has directed that, the petitioners are entitled for reinstatement into service as NMR Maistries and they are not entitled either for back wages or continuity of service or other attendant benefits.

6. In view of the above circumstances, Government after careful examination of the matter, consider that, as per the Labour Court, Guntur award dated 26.08.1992 in I.D. No.167/84, the petitioners Sri Sk. Riyaz, Panchayat Secretary (former Man Mazdoor) and others are entitled for reinstatement into service as NMR Maistry / NMR Mazdoor only, from the date of Award i.e. 26.08.1992 without back wages and without continuity of service and not as Man Mazdoors in the Work Charged Establishment.

7. In view of the above, the following amendment is issued to the G.O.Rt.No.687, I&CAD (PW.Estt.2) Department, dated 12-11-1996:

AMENDMENT

In the said G.O. in paragraph (5) for the words and figures “as Man Mazdoor afresh from the date of Award i.e. 26.08.1984 without back wages and continuity of service” the words and figures “as NMR Man Mazdoor afresh from the date of Award i.e. 26.08.1992 without back wages and continuity of service” shall be substituted.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Engineer, NTR Telugu Ganga Project, Srikalahasti.
Copy to:
The Engineer-in-Chief (IW), I&CAD Dept., Hyderabad.
The Superintending Engineer, Somasila Project Circle,
Dargametta, Nellore District.
The Executive Engineer, SP Division No.1, Somasila, Nellore District.
The Accountant General, AP, Hyderabad.
The Pay & Accounts Officer, Hyderabad.
The G.P. for I&CAD Dept., APAT, Hyderabad.
Law (B) Department.
S.f. / S.c.

//Forwarded By Order//

SECTION OFFICER